

PET



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rino Rappuoli, John Telford and Guido Grandi

U.S. Serial No.: 10/527,672

Confirmation No.: 7180

Int'l. Appln. No.: PCT/US03/29167

Group Art Unit: 1775

Int'l. Filing Date: September 15, 2003

Examiner: Sarvamangala Devi

For: GROUP B STREPTOCOCCUS VACCINES

PETITION TO CORRECT THE FILING DATE OF THE APPLICATION
SUBMITTED UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request correction of the filing date of the application submitted under 35 U.S.C. 371 from 18 April 2006 to **14 April 2006**.

The Response to Missing Requirements enclosing the indicated declaration was properly deposited on Friday, April 14, 2006 with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and in accordance with 37 CFR §1.10(c).

Enclosed are true and correct copies of the following:

- 1) The stamped, return postcard reflecting the true mailing date of **14 April 2006** of the Response to Missing Requirements, and the incorrect date stamp by the PCT/PTO of 18 April 2006; and,
- 2) The transmittal sheet reflecting mailing date of **14 April 2006**.


The enclosed items establish that the Declaration was filed on **14 April 2006** in accordance with 37 CFR 1.497(a) and (b).

Accordingly, Applicant respectfully requests the correction of the 371 filing date to **14 April 2006**.

The Commissioner is hereby authorized to charge any fees in connection with this Request to Deposit Account No. 03-1664.

Respectfully submitted,

Date: 3/12/07

By: 
Lisa Alexander
Reg. No. 41,576

NOVARTIS VACCINES AND DIAGNOSTICS, INC.
Corporate Intellectual Property – R338
P.O. Box 8097
Emeryville, CA 94662-8097
Fax: (510) 655-3542

COPY

SERIAL NO. 10/527,672 Int'l
DATE FILED 09/15/2003 DKT NO. PP019766.0003
TITLE GROUP B STREPTOCOCCUS VACCINE
ATTY. RMH APPLICANT RAPPUOLI et al. DATE MAILED 04/14/2006
☒ CERTIFICATE OF MAILING ☐ EXPRESS MAIL LABEL NO.
THE U.S. PATENT & TRADEMARK OFFICE ACKNOWLEDGES RECEIPT OF:
☐ pp. Spec. ☐ Claims ☐ Abstract
☒ Auth. to Charge Deposit Account No. 03-1664
☒ Fee \$ 2,160.00 Check # 9071
☒ Declaration ☒ Signed ☐ Unsigned
☐ Power of Attorney ☐ Issue Fee Transmittal
☐ Assignment w/Recordation Cover Sheet ☐ pages
☐ Certificate Under 37 C.F.R. §3.73(b)
☐ PCT Request ☐ Pages ☐ Demand (DC2)
☐ Informal/Formal Drawings ☐ sheets
☐ IDS with Form 1449 and ☐ references
☐ Paper Sequence Listing ☐ pages
☐ Disk Containing Sequence Listing
☐ Statement to Support Filing & Submission in
Accordance with 37 C.F.R. §§1.821-1.825
☐ Rule §1.53 of USSN
☐ Amendment ☐ Notice of Appeal
☐ Certificate of Mailing via Express Mail
☒ COPY Notice to File Missing Parts Application
Filing Date Granted
☒ Petition 5-month extension of time
☐ Request for Corrected Filing Receipt w/copy of Official
Filing Receipt
☐ Change of Correspondence Address
☐ Transmittal Letter to the U.S. Designated/Elected
(DO/EO/US) Concerning a Filing Under 35 USC 371
U.S. REC'D PCT/PTO 18 APR 2006

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sharleen Lane
Sharleen Lane

April 14, 2006

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rino Rappuoli, et al.
Confirmation No.: 7180
U.S. Application Serial No. 10/527,672
International Filing Date: September 15, 2003
Priority Date: September 13, 2002
For: GROUP B STREPTOCOCCUS VACCINE

COPY

**PETITION FOR A FIVE MONTH EXTENSION OF
TIME PURSUANT TO 37 CFR 1.136(a)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant herewith requests a five-month extension of time to respond to the Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" mailed September 14, 2005.

The check for the extension fee is in the amount of \$2,160.00.

The Commissioner for Patents is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR 1.16 and 1.17 to Deposit Account No. 03-1664.

Respectfully submitted,

Date: April 14, 2006

By: Rebecca M. Hale
Rebecca M. Hale
USPTO Reg. No. 45,680

CHIRON CORPORATION
Intellectual Property R-440
Box 8097
Emeryville, CA 94662-8097
Tel: (510) 923-3179

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sharleen Lane
Sharleen Lane

April 14, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rino Rappuoli, et al.
Confirmation No.: 7180
U.S. Application Serial No. 10/527,672
International Filing Date: September 15, 2003
Priority Date: September 13, 2002
For: GROUP B STREPTOCOCCUS VACCINE

COPY

**NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" mailed September 14, 2005, enclosed herewith are the following documents:

1. One copy of Notice of Missing Requirements Under 35 U.S.C. 371.
2. Check in the amount of \$2,160.00 representing late oath or declaration surcharge, and extension of time fees.
3. One original executed Declaration for Patent Application.
4. Petition for Extension of Time.
5. Return postcard.

The commissioner is hereby authorized to charge any additional fees to Deposit Account No. 03-1664.

Respectfully submitted,

Date: April 14, 2006

By:

Rebecca M. Hale

Rebecca M. Hale
USPTO Reg. No. 45,680

CHIRON CORPORATION
Intellectual Property R-440
Box 8097
Emeryville, CA 94662-8097
Tel: (510) 923-3179

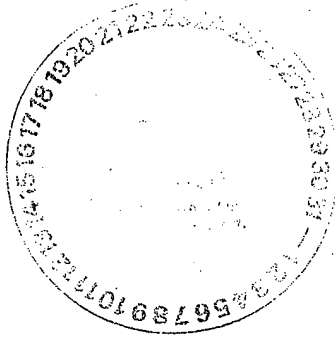


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/527,672 | Rino Rappuoli | 002441.00121 |

27476
 Chiron Corporation
 Intellectual Property - R440
 P.O. Box 8097
 Emeryville, CA 94662-8097



| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/US03/29167 | |
| LA. FILING DATE | PRIORITY DATE |
| 09/15/2003 | 09/13/2002 |

CONFIRMATION NO. 7180
 371 FORMALITIES LETTER



OC000000016984954

Date Mailed: 09/14/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/11/2005
- Copy of the International Search Report filed on 03/11/2005
- Preliminary Amendments filed on 03/11/2005
- Information Disclosure Statements filed on 03/11/2005
- Biochemical Sequence Diskette filed on 03/11/2005
- Biochemical Sequence Listing filed on 03/11/2005
- Request for Immediate Examination filed on 03/11/2005
- U.S. Basic National Fees filed on 03/11/2005
- Priority Documents filed on 03/11/2005

DOCKETED on/by 9/23/05 Luro
 Atty. RMH PA
 File # 82019766.0003
 Due Date 11/14/05 Ext 235
 Final Date 4/14/06 - 1240

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/527,672 | PCT/US03/29167 | 002441.00121 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

DECLARATION FOR PATENT APPLICATION

COPY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

GROUP B STREPTOCOCCUS VACCINE

(Attorney Docket No. PP019766.0003)

the specification of which (check one)

 is attached hereto.

 X was filed on March 11, 2005 and assigned United States Application Number 10/527,672.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
| | | | | |
| | | | | |

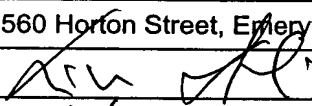
I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|--------------------|
| 60/410,839 | September 13, 2002 |
| | |
| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | PCT/US2003/029167 | September 15, 2003 | |
| | | | |

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|---------------------------|--|
| Name of First Inventor | Rino Rappuoli |
| Residence (City, Country) | Castelnuovo Berardenga, Italy |
| Citizenship | Italy |
| Post Office Address | c/o 4560 Horton Street, Emeryville, California 94608 |
| Inventor's Signature |  |
| Date | 4/05/06 |

Name of second inventor

John Telford

Residence (City, State)

Siena, Italy

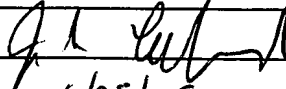
Citizenship

Italy

Post Office Address

c/o 4560 Horton Street, Emeryville, California 94608

Inventor's signature


4/05/06

Date

Name of third inventor

Guido Grandi

Residence (City, State)

Siena, Italy

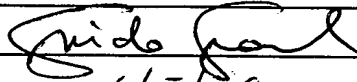
Citizenship

Italy

Post Office Address

c/o 4560 Horton Street, Emeryville, California 94608

Inventor's signature


4/05/06

Date